

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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STEVEN WIATRAK and  
KELVIN HENDERSON,

Civil No. 05-2121 (RHK/JSM)

**ORDER**

Plaintiffs,

v.

UNITED PARCEL SERVICE, INC.,  
UPS SUPPLY CHAIN SOLUTIONS, INC.,  
WORLDWIDE DEDICATED SERVICES, INC.,  
INTERNATIONAL MANAGEMENT SERVICES  
COMPANY (IMSCO), and TFE LOGISTICS  
GROUP, INC., a/k/a The TFE Group, Inc.,

Defendants.

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The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated September 22, 2006. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. The Report and Recommendation (Doc. No. 41) is **ADOPTED**;
2. Plaintiffs' Motion to Vacate (Doc. No. 35) requesting the Court to vacate the Court's July 24, 2006, Order for dismissal is **GRANTED** and this case is reopened;

3. Plaintiffs' claims against Worldwide Dedicated Services, Inc., United Parcel Service, Inc., and UPS Supply Chain Solutions, Inc. as pled in plaintiff's Amended Complaint are reinstated; and

4. The December 8, 2005 Pretrial Scheduling Order (Doc. No. 11) shall remain in effect unless the parties show good cause to amend it.

Dated: October 17, 2006

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge